

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JULIO MAYEN, an individual on his own
behalf and on behalf of others similarly
situated,

Plaintiff,

v.

W.M. BOLTHOUSE FARMS, INC. *et al.*,

Defendants.

Case No. 1:21-cv-00318-ADA-CDB

ORDER RE: STIPULATION (1)
EXTENDING DEADLINE *NUNC PRO*
TUNC FOR DEFENDANT W.M.
BOLTHOUSE FARMS, INC. TO RESPOND
TO SECOND AMENDED COMPLAINT; (2)
REGARDING THE BRIEFING SCHEDULE
ON DEFENDANT BOLTHOUSE'S
FORTHCOMING MOTION TO DISMISS
THE SECOND AMENDED COMPLAINT;
AND (3) REGARDING A SCHEDULING
CONFERENCE

(ECF No. 23)

On August 18, 2022, this Court issued an Order Granting in Part and Denying in Part Defendant W.M. Bolthouse's Motion to Dismiss and granted Plaintiff leave to file a second amended complaint. (ECF No. 18). On September 7, 2022, Plaintiff filed a Second Amended Complaint. (ECF No. 20).

On October 5, 2022, the parties filed a stipulation requesting: (1) an extension of the deadline for Defendant W.M. Bolthouse Farms Inc. to Respond to Plaintiff's Second Amended Complaint; (2) additional time for Plaintiff to file an opposition and Defendant W.M. Bolthouse Farms Inc. to file a reply; (3) a motions hearing date; and (4) an extension of the parties' deadline

1 to contact the courtroom deputy to secure a scheduling conference date following the Court's
2 resolution of Defendant W.M. Bolthouse Farms Inc.'s Motion to Dismiss. (ECF No. 23). Based
3 on the parties' representations in the stipulation, the Court finds good cause exists to grant the
4 parties' stipulated requests.

5 Accordingly, pursuant to the stipulation of the parties, IT IS HEREBY ORDERED:

- 6 1. Defendant W.M. Bolthouse Farms Inc.'s deadline to respond to Plaintiff's Second
7 Amended Complaint shall be **extended *nunc pro tunc* to October 19, 2022;**
- 8 2. Plaintiff shall receive **seven additional days beyond those provided for in the**
9 **applicable rules to respond** to Defendant W.M. Bolthouse Farms Inc.'s motion to
10 dismiss Plaintiff's Second Amended Complaint, Defendant W.M. Bolthouse Farms
11 Inc. shall file its reply **no later than ten days after Plaintiff files his opposition,**
12 and the hearing on the motion shall take place on a date **no less than eleven days**
13 **after Defendant W.M. Bolthouse Farms Inc. files its reply;** and
- 14 3. A scheduling conference is set for April 10, 2023, at 9:00am in Bakersfield, 510
15 19th Street before Magistrate Judge Christopher D. Baker.

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17 IT IS SO ORDERED.

18 Dated: **October 17, 2022**

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UNITED STATES MAGISTRATE JUDGE